IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

R.S.A. No. 2763 of 2004
Date of decision: January 29,2007

Simran Kaur V. Avtar Kaur

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Rajiv Kataria,Advocate, for the appellant.
Shri Arun Sanghi, Advocate, for respondent No.1.

Viney Mittal,J.(Oral)

Defendant No.1, Simran Kaur, is the appellant before this court. She has lost concurrently before the two courts below in a suit for mandatory injunction filed by plaintiff,Avtar Kaur, mother-in-law of defendant-appellant.

The plaintiff claimed that she was absolute owner of the house in question whereas defendant No.1 is her daughter-in-law and defendant No.2,Manrit Singh is her son. It was claimed that defendant No.1 was residing in a portion of the house as a licensee and her license has been revoked. Consequently, she sought a mandatory injunction for directing defendant No.1 to hand over the vacant possession of the suit property.

Defendant No.1 contested the suit. She alleged that that the property in question was ancestral property and she being the legally wedded wife of defendant No.2 (son of the plaintiff) has a right to reside in the property in question.

Both the Courts below have held that the property in question was self acquired property of the plaintiff having been constructed by her own earnings. It has also been held that defendant No.1 after revocation of license, had no right to continue in

possession of the said house. The suit filed by the plaintiff has been decreed by the trial court and the appeal filed by defendant No.1 has failed before the first appellate Court.

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

January 29,2007 (Viney Mittal)
sks Judge